

## REMARKS

In response to the Office Action mailed May 7, 2003, applicants submit the above amendments and the following remarks.

In paragraphs 1-2 of the Office Action, the Examiner objects to Fig. 6 because it does not include the reference character "164" described as an analog multiplexer in the specification. In response, applicants submit a complete set of drawing sheets including a revised Fig. 6.

In paragraph 3 of the Office Action, the Examiner objects to the abstract page because the title "Method and Apparatus for Adaptive Hybrid Termination in a Multi-Carrier Communication System" appears above it. In response, applicants have amended the abstract page to remove the application title.

In paragraphs 4-10, the Examiner rejects claims 1, 8, 10, and 11 under 35 U.S.C. §102 as anticipated by Moschytz et al., U.S. Patent No. 6,208,732 ("Moschytz"). The Examiner also rejects claim 5 under 35 U.S.C. §103(a) as obvious over Moschytz in view of Hernandez-Marti, U.S. Patent No. 6,509,755. In paragraph 11, the Examiner notes that claims 2-4, 6, 7, 9, 12, and 13 would be allowable if rewritten in independent form or depend from such rewritten claim.

In response, applicants have rewritten claims 2, 6, 9, and 12 in independent form, incorporating all of the limitations of the claims from which they depend. These amendments do not represent acquiescence in the Examiner's rejections and are made to expedite prosecution of the present application. Applicants reserve the right to resubmit some or all of the original claims in, for example, a continuation application.

It is also respectfully submitted that the above redrafting of claims 2, 6, 9, and 12 into independent form are not narrowing amendments within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 122 S. Ct. 1831 (2002) (see also *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 234 F.3d 558 (Fed. Cir. 2000) (*en banc*)), since they do not affect the claims' scope.

The original due date for this Response was August 7, 2003. Accordingly, a Petition for Extension of Time (one month) is filed herewith which renders this Response timely. Please charge any required fees in connection with this Petition, as well as any

other necessary fees due in connection with this Response, to Pennie & Edmonds LLP  
Deposit Account 16-1150.

In light of the above, it is respectfully submitted that the present application  
is in condition for allowance. Favorable disposition is respectfully requested.

Date September 19, 2003

Respectfully submitted, *Rory J. Radding* REG. No. 45,755

*Rory J. Radding* 28,749  
Rory J. Radding (Reg. No.)

PENNIE & EDMONDS LLP

1155 Avenue of the Americas  
New York, New York 10036-2711

(212) 790-9090.

Enclosures